

28-40, 41, 42



Kansas Administrative Regulations Kansas Department of Health and Environment

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Office of Public Information
Kansas Department of Health & Environment

Notes

The *Kansas Register* notes the following changes:

(b) The disaster plan shall be available and posted for residents and staff.

(c) The plan shall include evacuation routes and procedures to be followed in case of fire, tornado, explosion, flood, or other disaster. The plan shall include procedures for the transfer of residents, casualties, medical records, medications, and notification of next of kin and other persons. (Authorized by and implementing K.S.A. 39-932; effective, T-88-57, Dec. 16, 1987; amended May 1, 1988.)

28-39-410. Physical environment. The boarding care home shall provide a physical environment that promotes the health, safety, and well-being of residents and employees and which meets the physical environment requirements prescribed in K.A.R. 28-39-411. (Authorized by and implementing K.S.A. 39-932; effective, T-88-57, Dec. 16, 1987; amended May 1, 1988.)

28-39-411. Physical environment and complete construction. (a) General provisions. The following provisions describe the physical environment and complete construction requirements for boarding care homes. The facility shall provide for a safe, sanitary environment and for the safety and comfort of the residents.

(b) Each boarding care home shall consist of at least the following units, areas, and rooms which shall all be within a single building and under one roof;

(1) All beds shall be located in rooms designed for not more than five beds. Each resident bedroom shall meet the following requirements;

(A) Minimum room areas, excluding toilet rooms, closets, lockers, wardrobes, other built-in fixed items, alcoves, or vestibules, shall be 60 square feet per bed. Visual privacy shall be provided for each bed in a multibed room;

(B) Each toilet room shall contain at least a toilet and a lavatory but not more than two toilets. The lavatory may be omitted if the toilet adjoins bedrooms containing a lavatory. There shall be not less than one toilet for each five residents; and

(C) Each resident room shall be provided with space for resident clothing and personal items.

(2) Services areas or elements required below shall be located in all boarding care homes. Each facility shall contain:

(A) Space for storage of clean linen;

(B) Space for holding of soiled laundry;

(C) Space for storage of equipment for the facility's use.

(D) Bathing units at the rate of one bathtub or shower per five residents. Bathing units shall be located in rooms or areas with access to a toilet and lavatory without entering the general corridor. Bathing units shall be located within enclosures which provide for privacy;

(E) Living and dining areas;

(F) Food preparation areas in the size required to implement meal service. The area shall include provision for disposal of waste by incineration, mechanical destruction, compaction, removal, or by a combination of these techniques. Stored waste shall be in water-tight, closed containers; and

(G) If tools, supplies, or equipment used for yard or exterior maintenance are stored at the facility, a room which opens to the outside or which is located in a detached building for storage of such equipment.

(c) Details and finishes.

(1) Windows and outer doors left in an open position shall be provided with insect screens.

(2) Shower bases and tubs shall have a nonslip surface.

(3) Wall finishes shall be washable and in the immediate area of plumbing fixtures shall be smooth and moisture resistant. Finish, trim, wall, and floor constructions in food preparation areas shall be free from spaces that can harbor rodents and insects.

(4) Ceilings in the food preparation areas shall be cleanable by dustless methods, such as vacuum cleaning or wet cleaning. These areas shall not have exposed or unprotected sewer lines.

(d) Mechanical, plumbing, and electrical requirements.

(1) Heating, air conditioning, and ventilation systems. The system shall maintain a year-round indoor temperature range between 70°F. to 85°F.

(2) The temperature of hot water shall range between 98°F. and 115°F. at shower, bathing, and handwashing facilities throughout the system.

(3) All spaces occupied by persons or machinery and equipment within the buildings, approaches to buildings, and parking lots shall have adequate lighting. (Authorized by and implementing K.S.A. 39-932; effective, T-88-57, Dec. 16, 1987; amended May 1, 1988.)

Article 40.—EMERGENCY MEDICAL SERVICES

CERTIFICATION OF AMBULANCE ATTENDANTS

28-40-1 to 28-40-6. (Authorized by K.S.A. 65-4320; effective, E-77-34, July 8, 1976;

effective Feb. 15, 1977; revoked, E-81-33, Oct. 22, 1980; revoked May 1, 1981.)

28-40-7 to 28-40-50. **Reserved.**

AMBULANCE LICENSURE

28-40-51 to 28-40-58. (Authorized by K.S.A. 65-4320; effective, E-77-34, July 8, 1976; effective Feb. 15, 1977; revoked, E-81-33, Oct. 22, 1980; revoked May 1, 1981.)

28-40-59 and 28-40-60. **Reserved.**

28-40-61 and 28-40-62. (Authorized by K.S.A. 1979 Supp. 65-4320; implementing K.S.A. 1979 Supp. 65-4320, 65-4322; effective May 1, 1981; revoked May 1, 1985.)

28-40-63 to 28-40-65. (Authorized by K.S.A. 1979 Supp. 65-4320; implementing K.S.A. 1979 Supp. 65-4320; effective May 1, 1981; revoked May 1, 1985.)

28-40-66. (Authorized by K.S.A. 1979 Supp. 65-4320; implementing K.S.A. 1979 Supp. 65-4326; effective May 1, 1981; revoked May 1, 1985.)

28-40-67 and 28-40-68. (Authorized by K.S.A. 1979 Supp. 65-4320; implementing K.S.A. 1979 Supp. 65-4320; effective May 1, 1981; revoked May 1, 1985.)

28-40-69. (Authorized by and implementing K.S.A. 1982 Supp. 65-4318, as amended by L. 1983, ch. 286, § 6; effective May 1, 1984; revoked May 1, 1985.)

Article 41.—OIL FIELD WASTE DISPOSAL

28-41-1 to 28-41-8. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective July 1, 1966; amended May 1, 1984; revoked May 10, 1996.)

28-41-9. (Authorized by and implementing K.S.A. 65-171d; effective Dec. 31, 1947; amended July 1, 1949; amended Sept. 1, 1950; amended July 1, 1955; amended July 1, 1958; amended July 1, 1966; amended Feb. 15, 1977; amended May 1, 1982; amended, T-84-42, Jan. 1, 1984; amended May 1, 1984; revoked May 10, 1996.)

Article 42.—CERTIFICATES OF NEED FOR HEALTH FACILITIES

28-42-1. (Authorized by K.S.A. 65-4704 and 65-4821; implementing K.S.A. 1983 Supp. 65-4805, 65-4806, 65-4808, 65-4815; effective May 1, 1979; amended, E-81-7, March 12, 1980; amended May 1, 1980; amended, E-81-34, Nov. 12, 1980; amended May 1, 1981; amended, T-84-21, Aug. 30, 1983; amended May 1, 1984; revoked May 10, 1996.)

28-42-2. **Reserved.**

28-42-3. (Authorized by K.S.A. 65-4806, 65-4821; effective May 1, 1979; amended, E-81-34, Nov. 12, 1980; amended May 1, 1981; revoked May 10, 1996.)

28-42-4. (Authorized by K.S.A. 1978 Supp. 65-4806; effective May 1, 1979; revoked May 10, 1996.)

28-42-5. (Authorized by K.S.A. 65-4704, 65-4821, K.S.A. 1983 Supp. 65-4806; implementing K.S.A. 65-4806; effective May 1, 1979; amended, E-81-7, March 12, 1980; amended May 1, 1980; amended, E-81-34, Nov. 12, 1980; amended May 1, 1981; amended, T-84-21, Aug. 30, 1983; amended May 1, 1984; revoked May 10, 1996.)

28-42-6. (Authorized by K.S.A. 1979 Supp. 65-4704, 65-4804, 65-4808; effective May 1, 1979; amended, E-81-7, March 12, 1980; amended May 1, 1980; revoked May 10, 1996.)

28-42-7. (Authorized by K.S.A. 1979 Supp. 65-4704, 65-4807, 65-4808; effective May 1, 1979; amended, E-81-7, March 12, 1980; amended May 1, 1980; revoked May 10, 1996.)

28-42-8. **Reserved.**

28-42-9. (Authorized by K.S.A. 1979 Supp. 65-4704, 65-4808; effective, E-81-7, March 12, 1980; effective May 1, 1980; revoked May 10, 1996.)

28-42-10. (Authorized by K.S.A. 1983 Supp. 65-4805, and K.S.A. 65-4821; implementing K.S.A. 1983 Supp. 65-4805; effective, E-81-34, Nov. 12, 1980; modified, L. 1981, ch. 411; effective May 1, 1981; amended, T-84-21, Aug. 30, 1983; amended May 1, 1984; revoked May 10, 1996.)

28-42-11. (Authorized by K.S.A. 1978 Supp. 65-4815; effective May 1, 1979; revoked May 10, 1996.)

28-42-12. (Authorized by K.S.A. 65-4704, 65-4804, 65-4815, 65-4821; effective May 1, 1979; amended, E-81-7, March 12, 1980; amended May 1, 1980; amended, E-81-34, Nov. 12, 1980; amended May 1, 1981; revoked May 10, 1996.)

28-42-13. (Authorized by K.S.A. 1979 Supp. 65-4704, 65-4808, 65-4815; effective May 1, 1979; amended, E-81-7, March 12, 1980; amended May 1, 1980; revoked May 10, 1996.)

28-42-14. (Authorized by K.S.A. 1978 Supp. 65-4802; effective May 1, 1979; revoked May 10, 1996.)

28-42-15. (Authorized by K.S.A. 65-4704, 65-4820, 65-4821; effective, E-81-34, Nov. 12, 1980; effective May 1, 1981; revoked May 10, 1996.)

28-42-16. (Authorized by K.S.A. 1979 Supp. 65-4704, 65-4808, 65-4815; effective, E-81-7, March 12, 1980; effective May 1, 1980; revoked May 10, 1996.)

Article 43.—CONSTRUCTION, OPERATION, MONITORING AND ABANDONMENT OF SALT SOLUTION MINING WELLS

28-43-1. **Scope.** This article regulates the construction, operation, monitoring and abandonment of salt solution mining wells. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1979; amended May 1, 1981.)

28-43-2. **Definitions.** (a) "Salt solution mining well" means a well which has been drilled into subsurface saline or salt bearing deposits for the recovery of either existing brines or brines which are formed by the injection of water to dissolve said deposits.

(b) "Production casing" means the casing inside the surface casing that extends into the salt formation.

(c) "Gallery system" means a series of two or more salt solution mining wells which have been artificially connected within the salt horizon and are produced as a system with one or more wells designated for withdrawal of solutioned salt.

(d) "Division of environment" means the division of environment of the department of health and environment.

(e) "Transportation artery" means any highway, county road, township road, private road or railroad not owned by the applicant. Excluded from this definition are oil and gas pipelines. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1979; amended May 1, 1981.)

28-43-3. **Permits required for all solution mining wells.** The construction and use of solution mining wells for the production of brine from subsurface formations by hydraulic methods shall be prohibited unless a permit for their construction and use is first obtained from the division of environment. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1979; amended May 1, 1981.)

28-43-4. **Applications for solution mining well permits.** Applications for permits for solution mining wells shall be submitted in duplicate to the division of environment, on forms obtainable from the division of environment. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective May 1, 1979; amended May 1, 1981.)

28-43-5. **Construction and operation of new salt solution mining wells.** (a) Salt solution mining wells shall be located not less than three hundred (300) feet from other active or abandoned brine-supply wells or other holes or excavations penetrating the salt section, except where such wells, holes or excavations have been properly plugged, and not less than one hundred fifty (150) feet from existing surface structures, including any transportation artery. In addition, salt solution mining wells shall be located not less than one hundred fifty (150) feet from the boundary of the tract or tracts of land in, upon or under which the operator has the right to solution mine salt.

(b) New or like new oil-field type steel surface casing shall be set through all fresh-water formations and encased in cement from bottom to top by circulating cement through the bottom of the casing to the surface. A second or production string of such casing shall be set into the upper part of the salt formation and encased in cement as described above. Unless otherwise permitted by the division of environment pursuant to K.A.R. 28-43-9, such casing shall extend a minimum of